

# COMMONWEALTH OF VIRGINIA

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## VIRGINIA HOUSING COMMISSION

### SUMMARY

**Virginia Housing Commission  
Common Interest Community Work Group  
July 21, 2016, 10:00 AM  
House Room C, General Assembly Building**

- I. **Delegate David Bulova** called the meeting to order at 10:00 AM.  
**Work Group members in attendance:** Delegate David Bulova, *Chair*; Delegate Betsy Carr; Delegate Barry Knight; Senator George Barker; Janice Burgess, *Virginia Housing Development Authority*; Heather Gillespie, *Common Interest Communities Ombudsman*; Trisha Henshaw, *Common Interest Communities Board*; Mike Inman, *Community Association Institute*; Ronald P. Kirby, *Virginia Association of Community Managers*; Michael Toalson, *Home Builders Association of Virginia*; Pia Trigiani, *Common Interest Communities Board*; and Jerry Wright, *Community Associations Institute*.  
**Staff:** Elizabeth Palen, *Executive Director of VHC*
- II. The work group had two bills assigned during the 2016 Regular Session.

#### **Trish Henshaw**

Trish Henshaw gave an update on the work of the Common Interest Community Board and some of the things that they are working on during this interim (see materials.)

#### **Senator Chap Petersen**

Senator Chap Petersen presented his bill (SB 238, 2016) dealing with home-based business and property owner associations. The bill prohibits homeowners associations (HOAs) from disallowing a home-based business within a residence.

A discussion took place about home-based childcare and whether it is a business or not. Senator Petersen was seeking a way to state that an HOA cannot prohibit a home-based daycare unless its declaration specifically outlines that fact. Most declarations are much more general

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in reference to businesses and do not specify prohibitions on home-based daycare.

One of the potential solutions discussed was making sure that an HOA defines a home-based business versus a residential ancillary use and that the use matches what the locality requires.

In some instances, a locality declares home businesses that are daycares as a residential ancillary use. If the HOA responds it is a business, then they assert they are able to regulate or not allow it.

Senator Petersen concluded that he thinks that there is a narrow potential path forward to assert, if the locality defines it as residential, that the HOA should define it as residential and define how that is done.

III. **Conclusion:** There was no specific recommendation from the work group.

**Delegate Vivian Watts** (HB 548, 2016 and HB 710, 2016)

The topic concerns fees for disclosure packets for new people who are moving into a neighborhood.

When this system was set up, there was a distinction between a self-managed association versus a professionally managed association with regard to what kind of fees could be collected. But now a self-managed association is not just a cluster of 10, 20, or 30 homes; there are self-managed associations that have hundreds of homes and take on many of the same functions as do large associations.

**Conclusion:** Chip Dicks will work with the patron to determine a way to be able to marry the interests of all parties with a stake in the matter. Mr. Dicks feels reasonably confident that the work group might be able to come up with solid compromise legislation that would move forward during the legislative session.

The meeting was adjourned at 12:00 PM.

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